



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**CIVIL APPLICATION NO. 13738 OF 2024
IN FAST/33812/2024**

Kishan Gangadhar Khandare

VERSUS

The State Of Maharashtra Through The Collector Nanded And
Ors

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Mr. D. A. Bide, Advocate for Applicant

Mr. D. B. Bhange, AGP for Respondents-State

Mr. M. C. Swami, Advocate for Respondent No.3

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CORAM : S. G. CHAPALGAONKAR, J.

Dated : 20th FEBRUARY, 2025

PER COURT :-

1. Heard learned Advocate appearing for respective parties.
2. By this application, applicant seeks to condone the delay of 923 days caused in filing appeal against the award of Reference Court. Applicant is seeking further enhancement of compensation, being aggrieved by the quantification made by the Reference Court. It is submitted that the respondent No.3/acquiring body has also assailed the self-same award and his appeal is pending before this Court.
3. Apparently, this appeal is in the same nature of counter

claim or cross appeal.

4. In that view of the matter, there is no impediment in condoning the delay, caused in filing appeal by putting certain conditions. Hence following order:

ORDER

- a. Civil Application is **allowed**.
- b. Delay of 923 days caused in filing appeal is hereby condoned, subject to condition that applicant files usual undertaking to learned Registrar (Judicial) of this Court that he shall not claim any interest and statutory benefit, in case, his appeal for enhancement of compensation favorably considered by this Court.
- c. Undertaking to be filed within a period of six weeks from today. On filing of such undertaking, appeal be registered, subject to removal of the office objections.

(S. G. CHAPALGAONKAR, J.)